

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:09-CR-351-BO-1

UNITED STATES OF AMERICA,

v.


DAMIEN LENNOX CHARLES,
Defendant.

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ORDER

This matter comes before the Court on defendant's motions to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. [DE 28, 29, 30]. The relief petitioner seeks—resentencing—is only available via a motion pursuant to 28 U.S.C. § 2255. On February 2, 2015, the Court issued an order instructing petitioner to confirm or deny his intent to file a § 2255 motion within thirty (30) days. [DE 32]. The thirty day window has passed and petitioner has submitted no response. The Court notified petitioner in the February 5 order that failure to respond would result in dismissal. Accordingly, it appears that petitioner does not intend to pursue relief via a § 2255, and defendant's motions are DISMISSED WITHOUT PREJUDICE. Should petitioner wish to file a motion pursuant to § 2255 in the future, he should do so on the appropriate forms which are available from the Clerk.

SO ORDERED, this 26 day of March, 2015.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE